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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/439,482	11/12/1999	PETER BERNARD		1692
7590	06/28/2005		EXAMINER	
Judith A. Szepesi BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP 12400 WILSHIRE BOULEVARD SEVENTH FLOOR LOS ANGELES, CA 90025			CHUNG, DANIEL J	
			ART UNIT	PAPER NUMBER
			2677	
			DATE MAILED: 06/28/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/439,482	BERNARD ET AL.	
	<b>Examiner</b> Daniel J. Chung	<b>Art Unit</b> 2672	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 31 May 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,2,4,5,7,8 and 11-32 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,2,4,5,7,8 and 11-32 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

Claims 1-2,4-5,7-8 and 11-32 are presented for examination. Claims 3,6,9 and 10 have been cancelled by the amendment filed on 5-31-2005. This office action is in response to the amendment filed on 5-31-2005.

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5-31-2005 has been entered.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2,4-5,7-8 and 11-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Fields et al. (6,581,109)

Regarding claim 1, Fields et al discloses that the claimed feature of a system for providing images to a user comprising: in response to a request ["request"], from a user system [i.e. "client machine"] comprising a user color display device [i.e. "user's display monitor"], for one or more images, receiving, at a server ["sever"], characterization data [i.e. "calibration data"] for the user color display device; and utilizing the received characterization data ["calibration data/parameter"] provide a color-corrected ["color-adjusted"] version of the one or more images ["version of the image that has been color-adjusted"] to the user system ["client machine"]. (See Abstract, Fig 3, col 2 line 14-42, col 4 line 1-11, col 6 line 55-col 7 line 27)

Regarding claim 2, Fields et al discloses that displaying to the user a first icon on the display device. (See Fig 5, col 6 line 16-32)

Regarding claim 4, Fields et al discloses that color correcting the one or more images on-the-fly. (See Abstract, col 2 line 14-21, col 6 line 60-62)

Regarding claim 5, Fields et al discloses that selecting a group of one or more images from one or more groups of pre-transformed images [35,36,38]. (See Fig 2)

Regarding claim 7, Fields et al discloses that color correcting the one or more images in accordance with a predetermined set of display device color characterization parameters [i.e. "default image"; 36]. (See Fig 2, col 4 line 48-50)

Regarding claim 8, Fields et al discloses that the user system is a client computer ["client"; 106] connected to a computer network ["network"; 18] including an Internet, an intranet, or a local area network. (See Fig 1)

Regarding claims 11-13, Fields et al discloses that the receiving of the characterization data ["calibration data"] at the server comprising utilizing a cookie ["cookie"] previously dropped by the server on the user system, wherein the cookie contains information to enable the server to identify the user and the characterization data for the user color display device. (See col 5 line 24-28, col 6 line 33-42)

Regarding claim 14, Fields et al discloses that retrieving from a database [i.e. "system memory", "ram"; 27] the user color display device characterization data ["calibration data"] for the user color display device in accordance with the user identification. (See Fig 1, Fig 2)

Regarding claim 15, claim 15 is similar in scope to the claim 1, and thus the rejection to claim 1 hereinabove is also applicable to claim 15.

Regarding claim 16, claim 16 is similar in scope to the claim 2, and thus the rejection to claim 2 hereinabove is also applicable to claim 16.

Regarding claim 17, claim 17 is similar in scope to the claim 3, and thus the rejection to claim 3 hereinabove is also applicable to claim 17.

Regarding claim 18, claim 18 is similar in scope to the claim 4, and thus the rejection to claim 4 hereinabove is also applicable to claim 18.

Regarding claim 19, claim 19 is similar in scope to the claim 6, and thus the rejection to claim 6 hereinabove is also applicable to claim 19.

Regarding claim 20, claim 20 is similar in scope to the claim 5, and thus the rejection to claim 5 hereinabove is also applicable to claim 20.

Regarding claim 21, claim 21 is similar in scope to the claim 5, and thus the rejection to claim 5 hereinabove is also applicable to claim 21.

Regarding claim 22, claim 22 is similar in scope to the claim 7, and thus the rejection to claim 7 hereinabove is also applicable to claim 22.

Regarding claim 23, claim 23 is similar in scope to the claim 5, and thus the rejection to claim 5 hereinabove is also applicable to claim 23.

Regarding claim 24, claim 24 is similar in scope to the claim 8, and thus the rejection to claim 8 hereinabove is also applicable to claim 24.

Regarding claim 25, claim 25 is similar in scope to the claim 9, and thus the rejection to claim 9 hereinabove is also applicable to claim 25.

Regarding claim 26, Fields et al discloses that the server includes the data provider. (See Fig 1-2)

Regarding claim 27, claim 27 is similar in scope to the claim 10, and thus the rejection to claim 10 hereinabove is also applicable to claim 27.

Regarding claim 28, claim 28 is similar in scope to the claim 11, and thus the rejection to claim 11 hereinabove is also applicable to claim 28.

Regarding claim 29, claim 29 is similar in scope to the claim 12, and thus the rejection to claim 12 hereinabove is also applicable to claim 29.

Regarding claim 30, claim 30 is similar in scope to the claim 13, and thus the rejection to claim 13 hereinabove is also applicable to claim 30.

Regarding claim 31, claim 31 is similar in scope to the claim 14, and thus the rejection to claim 14 hereinabove is also applicable to claim 31.

Regarding claim 32, claim 32 is similar in scope to the claim 26, and thus the rejection to claim 26 hereinabove is also applicable to claim 32.

### ***Response to Arguments/Amendments***

Applicant's arguments with respect to claims 1-2,4-5,7-8 and 11-32 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Chung whose telephone number is (571) 272-7657. He can normally be reached Monday-Thursday and alternate Fridays from 7:30am- 5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael, Razavi, can be reached at (571) 272-7664.

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**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

**571-273-8300 (Central fax)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal

Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

djc  
June 23, 2005



MICHAEL RAZAVI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600